

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIAM F. CARTER,)
)
Plaintiff,)
)
v.)
)
ALAN BLAKE,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon the application of William G. Carter for leave to commence this action without payment of the required filing fee. Upon consideration of the financial information provided with the application, the Court finds that petitioner is financially unable to pay the filing fee.

Petitioner, a civilly-committed resident of the Sex Offender Rehabilitation and Treatment Center, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner summarily states that he "requests the Court to order a transfer of confinement back to Fulton State Hospital."

Petitioner has failed to state a claim for a constitutional violation under § 2254, and therefore, his request for habeas corpus relief will be denied.¹

Therefore,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

¹Moreover, in the absence of exceptional circumstances, currently available and adequate state remedies must be exhausted before invoking federal habeas corpus jurisdiction. Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484 (1973).

IT IS FURTHER ORDERED that petitioner's petition for a writ of habeas corpus is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

An appropriate order of dismissal shall accompany this memorandum and order.

Dated this 12th day of February, 2010.

Catherine D. Lengyel
UNITED STATES DISTRICT JUDGE